

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

HOWARD HINES, et al.,

Plaintiffs,

v.

ORDER

Civil File No. 4-73-387 (MJD/AJB)

WENDELL ANDERSON, et al.,

Defendants.

JOAN FABIAN, Commissioner of
the Minnesota Department of Corrections,

Movant.

Mary R. Vasaly, Maslon Edelman Borman & Brand, LLP, Counsel for Plaintiffs.

Jennifer A. Service, Assistant Attorney General, State of Minnesota, Counsel for
Defendants and Movant.

The above-entitled matter comes before the Court upon Movant's appeal of the Order of United States Magistrate Judge Arthur J. Boylan dated August 19, 2005. This Court will reverse a magistrate judge's order on a nondispositive issue only if it is clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a); D. Minn. L.R. 72.1(b)(2).

The Court has reviewed the applicable law and Movant's appeal and

objections and finds that the Magistrate Judge correctly applied the law and that the Order is not clearly erroneous. Based on this Court's review of the record, the Court **AFFIRMS** the Magistrate Judge's Order dated August 19, 2005.

IT IS HEREBY ORDERED that:

Magistrate Judge Boylan's Order dated August 19, 2005 [Docket No. 730] is **AFFIRMED**.

Plaintiffs' request to amend the briefing schedule, found in their Memorandum of Law in Response to Objections to Magistrate Judge's Order Appointing Expert [Docket No. 734] is referred to Magistrate Judge Boylan.

Dated: September 26, 2005

s/ Michael J. Davis
Judge Michael J. Davis
United States District Court